

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cv-295-FDW-DCK

CRYSTAL ESCHERT,)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
CITY OF CHARLOTTE,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court regarding a discovery dispute concerning handwritten interview notes (the “Notes”) belonging to Allison Mullins (formerly Allison Van Laningham). On March 27, 2017, the Court held a telephone conference with counsel for both parties as well as Ms. Mullins. After consideration of the record in this case and the arguments of counsel and Ms. Mullins, and for the reasons explained during the telephone conference, the Court finds that the Notes are not protected by attorney-client privilege or by the work-product doctrine. Accordingly, the Court ORDERS Ms. Mullins to produce the Notes as follows:

1. Ms. Mullins shall provide a copy of the Notes from all sixty-two (62) interviews to counsel for Plaintiff and Defendant. Ms. Mullins shall produce the Notes as quickly as possible on a rolling basis as discussed during the telephone conference, but in any case, no later than Monday, April 3, 2017;
2. The Notes and information disclosed in the Notes shall be designated as Attorneys’ Eyes Only, which means they shall not be disclosed to any party or person except the attorneys of record in this case and the Court and its staff, including deposition court reporters and

their staff. The Notes and information disclosed in the Notes shall not be disclosed to Plaintiff Crystal Eschert or to the City, its officials, or its employees;

3. Before counsel for either party asks a question during a deposition that raises issues derived from the Notes, counsel should consult with one another and attempt to reach agreement on reasonable disclosure of information. Portions of depositions that refer to information derived from the Notes may be sealed, if necessary;
4. At the conclusion of all proceedings in this litigation, including any appeals, counsel shall destroy their copy of the Notes and submit a written verification that the Notes have in fact been destroyed.

IT IS SO ORDERED.

Signed: March 28, 2017



Frank D. Whitney
Chief United States District Judge

